

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LEWIS SMITH,

Plaintiff,

v.

RAMESH DHARAWAT, *et al.*,

Defendants.

Case No. 2:24-cv-0118-JDP (P)

ORDER

Plaintiff, a prisoner proceeding pro se, brought this action alleging that defendants Dharawat, Ma, and Nnaji violated his Eighth Amendment right to adequate medical care. Pending is his motion to compel, ECF No. 38, to which defendants have filed their oppositions, ECF Nos. 39 & 40, and plaintiff has submitted a reply, ECF No. 45. After review of the pleadings, I will deny plaintiff's motion as untimely and as procedurally deficient.

As defendants correctly note, discovery, including the filing of any motions to compel, was due July 11, 2025. ECF Nos. 33 & 35. Plaintiff's motion to compel was not entered on the docket until August 11, 2025, and, though the exact date on the pleading is difficult to read, there is no question that it was drafted in August 2025. ECF No. 38 at 7. Plaintiff had notice of the discovery deadline and, if he required more time to file a motion to compel, it was incumbent on him to file a properly supported motion for extension of time. He failed to do so. And courts in this district routinely deny motions to compel filed outside of deadlines imposed by their

1 scheduling orders. *See, e.g., King v. Wadkins*, No. 1:16-cv-00433-LJO-SAB (PC), 2018 U.S.  
2 Dist. LEXIS 26193, \* 3 (E.D. Cal. Feb. 13, 2018); *Correa v. Braudrick*, No. 1:19-cv-00369-  
3 ADA-BAK (GSA) (PC), 2022 U.S. Dist. LEXIS 154109, \*5 (E.D. Cal. Aug. 25, 2022). I find  
4 that plaintiff's motion is untimely, and it could be denied on that basis alone.

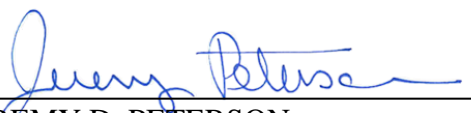
5 Plaintiff's motion is also procedurally deficient. The motion does not, in plain terms, lay  
6 out each contested discovery item he seeks to compel further responses to. The moving party  
7 must inform the court as to "(1) which discovery requests are the subject of his motion to compel,  
8 (2) which of defendants' responses are disputed, (3) why he believes defendants' responses are  
9 deficient, (4) why defendants' objections are not justified, and (5) why the information he seeks  
10 through discovery is relevant to the prosecution of this action." *Curry v. Rollin*, No. 2:23-cv-  
11 00791-TLN-EFB (PC), 2025 U.S. Dist. LEXIS 119873, \*4 (E.D. Cal. Jun. 23, 2025). Neither has  
12 plaintiff indicated that he met and conferred with defendants' counsel prior to filing the motion to  
13 compel. Local Rule 251(b).

14 Finally, defendants state that at least some of the discovery plaintiff sought to propound  
15 was never received and, thus, no additional response may be compelled. ECF No. 40 at 3-4.

16 It is, therefore, ORDERED that plaintiff's motion to compel, ECF No. 38, is DENIED.

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18 IT IS SO ORDERED.

19 Dated: December 3, 2025

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21 JEREMY D. PETERSON  
22 UNITED STATES MAGISTRATE JUDGE  
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